

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**WILLIE DAVIS, JACKIE PARKER,
DERRICK THREADGILL,
EARNEST WHITTEN
And JACKIE PARKER**

PLAINTIFFS

VS.

CASE NO.: 4:18-CV-183-BSM

CITY OF LITTLE ROCK, a municipality

DEFENDANT

**JOINT MOTION TO REMAND THE REMAINDER OF THIS CASE
TO PULASKI COUNTY CIRCUIT COURT**

The remaining parties in this matter, Jackie Parker and the City of Little Rock, by and through their respective counsel, respectfully come before this honorable Court and for their motion to remand the remaining aspects of this matter back to Pulaski County Circuit Court state:

1. On March 12, 2018, Plaintiff filed a civil rights action pursuant to 42 U.S.C. 2000, et seq (Title VII of the Civil Rights Act of 1964) against Defendant. On May 10, 2018, Plaintiff had a hearing before the Little Rock Civil Service Commission (“Commission”) in which he asked that the Commission overturn his termination.

2. On June 7, 2018, Plaintiff appealed the decision of the Commission to Pulaski County Circuit Court and listed a cause of action under 42 U.S.C. § 1983 alleging that Defendant has a “pattern, policy, practice and custom...which deny Plaintiff his rights privileges and immunities secured by the Fifth and Fourteenth Amendments.”

3. On July 11, 2018, Defendant removed Plaintiff’s Civil Service appeal to the United States District Court and moved to consolidate it with the instant case. In a July 2, 2020, order this honorable Court consolidated the matters and named the instant case the lead case. (*See Doc 14*)

4. On March 31, 2021, this Court granted the City Summary Judgment on the Title VII claims contained in the complaint filed on March 12, 2018. However, the Court did not grant summary judgment on Plaintiff's Civil Service Appeal and the due process claim contained therein.

5. On or about April 29, 2021, the parties met concerning the remaining matters and agreed that in Civil Service Appeal will have to be considered by the Pulaski County Circuit Court and any appeal of that decision would have to be heard by the Arkansas Supreme Court. Under Ark Code Ann § 14-51-308(e)(1)(A) "[a] right of appeal by the city or employee is given from any decision of the commission to the circuit court within the jurisdiction of which the commission is situated." Ark Code Ann § 14-51-308(2)(A) states that, "[a] right of appeal is also given from any action from the circuit court to the Supreme Court."

6. Further, Plaintiff can pursue his due process claims under Title 16 of the Arkansas Code, the Arkansas Civil Rights Act. The parties agree that judicial economy will be best served by remanding the case to the Pulaski County Circuit Court for consideration of the remaining issues, including Parker's remaining due process claim.

7. Because the Court has granted summary judgment to the City on the Plaintiff's Title VII claims, the federal questions are no longer the predominant aspects of this case, and given the jurisdictional nature of Ark Code Ann § 14-51-308, the parties request that this Court remand the Civil Service Appeal and the remaining pattern or practice claim back to Pulaski County Circuit Court.

WHEREFORE, the parties pray that this Court remand this matter back to the Pulaski County Circuit Court and all relief for which they are entitled.

Respectfully submitted,

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